

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**DEFENDANTS' AMENDED MOTION TO DISMISS PURSUANT TO
SECOND AMENDED CMO 28**

As explained herein, the Defense Leadership respectfully submits this Amended Motion to Dismiss, which amends the previous motions to dismiss with prejudice¹ that were filed pursuant to Second Amended Case Management Order 28 (“CMO 28 Motions to Dismiss,” ECF Nos. 6980, 6982, 6983, 6984, 6985, 6986). The grounds for this Amended Motion to Dismiss are as follows:

1. On April 14, 2025, The Defense Leadership filed six motions to dismiss pursuant to Second Amended CMO 28. (1) Defendants' Motion to Dismiss Entire Action(s) For Failure to Comply with Second Amended CMO 28 for actions filed prior to April 24, 2024 (ECF No. 6980); (2) Defendants' Motion to Dismiss Entire Action(s) For Failure to Comply with Second Amended CMO 28 for actions filed between April 25, 2024 and June 5, 2024 (ECF No. 6982); (3) Defendants' Motion for Partial Dismissal of Listed Plaintiffs Only, Of Particular Personal Injury Claims, For Failure to Comply with Second Amended CMO 28 for cases filed prior to April 24, 2024 (ECF No. 6983); (4) Defendants' Motion for Partial Dismissal of Listed Plaintiffs Only, Of

¹ As recognized by the Court, Defendants' position is consistent with Second Amended CMO 28 and this Court's recent order (ECF No. 7577) denying certain plaintiffs' motion to amend and, in accordance with CMO 28, dismissing those plaintiffs' claims with prejudice.

Particular Personal Injury Claims, For Failure to Comply with Second Amended CMO 28 for cases filed between April 24, 2024 and June 5, 2024 (ECF No. 6984); (5) Defendants' Motion to Dismiss Listed Plaintiffs Only For Failure to Comply with Second Amended Case Management Order No. 28 for cases filed prior to April 24, 2024 (ECF No. 6985); and (6) Defendants' Motion to Dismiss Listed Plaintiffs Only For Failure to Comply with Second Amended Case Management Order No. 28 for cases filed between April 24, 2024 and June 5, 2024 (ECF No. 6986).

2. Each of the above listed motions attached an exhibit detailing the specific claims, plaintiffs, or actions, that were the subject of the corresponding motion to dismiss. (ECF Nos. 6980-1, 6982-1, 6983-1, 6984-1, 6985-1, and 6986-1).

3. Since filing the CMO 28 Motions to Dismiss, the Defense Leadership, the PEC, and individual counsel for the plaintiffs that were the subject of the CMO 28 Motions to Dismiss have engaged in dozens of meet and confers. As part of the meet and confer process, the Defense Leadership agreed to withdraw its CMO 28 Motions to Dismiss as to certain plaintiffs or actions, and/or move certain plaintiffs or actions from one motion to another (e.g. in certain instances the Defense Leadership agreed to move a case from an entire action dismissal to a partial dismissal).

4. This motion incorporates the withdrawals and changes that the Defense Leadership agreed to during the meet and confer process, which have been reflected in the attached **Exhibits A-F**. Therefore, these exhibits contain a revised list of the specific claims, plaintiffs, or actions that the Defense Leadership seeks to dismiss pursuant to Second Amended CMO 28 following the meet and confer process.

5. It is the intent of this Amended Motion to Dismiss that Exhibit A replace ECF No. 6980-1, Exhibit B replace ECF No. 6982-1, Exhibit C replace ECF No. 6983-1, Exhibit D replace ECF No. 6984-1, Exhibit E replace ECF No. 6985-1, and Exhibit F replace ECF No. 6986-1.

6. All other aspects of the previously filed CMO 28 Motions to Dismiss (ECF Nos. 6980, 6982, 6983, 6984, 6985, and 6986) remain unchanged. Additionally, the previously filed oppositions to the CMO 28 Motions to Dismiss (ECF Nos. 6996, 7054, 7067, and 7068) and replies to the same (ECF Nos. 7036, 7089, 7104, and 7105) remain unaffected by this Amended Motion to Dismiss.

7. Therefore, the Defense Leadership moves to dismiss the claims, Plaintiffs, and actions set forth in Exhibits A-F—and respectfully requests the dismissal of all such claims, plaintiffs, and actions be with prejudice in accordance with CMO 28—for the reasons set forth in its previously filed CMO 28 Motions to Dismiss.

DATED: July 21, 2025

Respectfully submitted,

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